

THE SPEAKER: . . . The matter the gentleman read from states that all committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access to such records.

I think that is what the gentleman was talking about.

MR. HOFFMAN: That is just what I was talking about, and I want access. When access is given, with it goes the power to use it to not only look but make notes, take copies, understand what is at hand, what is to be determined. . . .

THE SPEAKER: The question of copying and the question of photostating is another matter. That is not provided in this section of the rule.

MR. HOFFMAN: So "access" means I can go and take a look but I cannot use modern means of copying. How do you like that?

How do you like that? Is that orderly, fair procedure?

THE SPEAKER: If a question like that came up in the House the Chair would certainly rule that the gentleman could not bring a machine in here and copy things around the desk.

The Chair does not believe the gentleman has stated a question that violates the rules of the House.

ed July 14, 1977 (H. Res. 658, 95th Cong. 1st Sess.), established the permanent Select Committee on Intelligence and carefully delineated the conditions governing access to information and documents within its purview.

§ 19. Disposition of Committee Documents, Evidence, and Files

After Adjournment

§ 19.1 All documents referred to a committee, together with evidence taken by the committee, must under House rules be delivered to the Clerk of the House within three days after the final adjournment of Congress.

Shortly before the adjournment of the 78th Congress on Dec. 16, 1944,⁽¹²⁾ Mr. Joseph W. Martin, Jr., of Massachusetts, expressed concern over the disposition of the information accumulated by the so-called Dies committee; this committee, barring congressional action, was due to expire on Jan. 3, 1945. Formally known as the Special Committee on Un-American Activities, it had been created in the previous decade to investigate subversive activities and was continued annually by House resolution.

MR. MARTIN of Massachusetts: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹³⁾ The gentleman will state it.

MR. MARTIN of Massachusetts: Mr. Speaker, on January 3, unless the

12. 90 CONG. REC. 9621, 78th Cong. 2d Sess.

13. Sam Rayburn (Tex.).

House takes some other action, the so-called Dies committee will expire. There is a growing concern all over the country that the papers and information that the committee has gathered during its years of investigation shall be adequately protected and that they shall be available for public use. My inquiry is, What is the procedure by which these papers will be disposed of if the life of this committee is not renewed?

THE SPEAKER: The Chair will read rule XXXVII:

Clerks of the several committees of the House shall, within 3 days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule the Clerk of the House shall, within 3 days thereafter, take into his keeping all such papers and testimony.

The Chair would hold that under the rule just read the documents of the so-called Dies committee are in the control of that committee and the House until 3 days after the 3d day of January next.

MR. MARTIN of Massachusetts: That would permit the House, if it so desired, to make any arrangement that it might make when we return here on January 3?

THE SPEAKER: The gentleman is correct, and the Chair will assure the gentleman and the House that nothing but that will happen between now and the 3d of January.

MR. MARTIN of Massachusetts: I thank the Speaker.

Where Term of Special Committee Expires

§ 19.2 Unless otherwise provided by order of the House, when the term of a special investigating committee expires, its records are delivered to the Clerk of the House and not to a newly elected standing committee created for the same purpose as the special committee.

On Jan. 3, 1945,⁽¹⁴⁾ the House having under consideration a resolution (H. Res. 5), providing that the rules of the 78th Congress be adopted as the rules of the 79th Congress, Mr. John E. Rankin, of Mississippi, offered an amendment to the resolution providing for the creation of a permanent standing committee, to be known as the Committee on Un-American Activities. As Mr. Rankin explained:

Mr. Speaker, the object of this amendment is to extend the life of the Committee on Un-American Activities, usually referred to as the Dies committee, and to make it one of the standing committees of the House. . . .

. . . I submit it is no time to destroy the records of that committee, it is no time to relax our vigilance. We should carry on in the regular way and keep

14. 91 CONG. REC. 10, 79th Cong. 1st Sess.

this committee intact, and above all things, save those records.

The term of the Dies committee, whose formal name was the Special Committee on Un-American Activities, did not extend into the 79th Congress. Much concern was voiced by several Members regarding the prospective treatment of that committee's records and files. After the previous question was ordered on the Rankin amendment,⁽¹⁵⁾ Mr. Francis H. Case, of South Dakota, initiated the following exchange with the Chair in the course of a parliamentary inquiry:

. . . What is the status of the records of the Dies committee at the present time and what will be their status if this amendment should be adopted?

THE SPEAKER:⁽¹⁶⁾ This amendment does not change the status of the papers of the Dies committee at all, unless further action of the House is taken. For the information of the House the Chair will read two rules.

First:

RULE XXXVII⁽¹⁷⁾

PAPERS

The clerks of the several committees of the House shall, within 3

15. 91 CONG. REC. 14, 79th Cong. 1st Sess.
16. Sam Rayburn (Tex.).
17. Though the language remains unchanged, this rule has been renumbered; see Rule XXXVI clause 1,

days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule the Clerk of the House shall, within 3 days thereafter, take into his keeping all such papers and testimony.

Also:

RULE XXXVIII⁽¹⁸⁾

WITHDRAWAL OF PAPERS

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if withdrawn therefrom certified copies thereof shall be left in the office of the Clerk; but when an act may pass for the settlement of a claim, the Clerk is authorized to transmit to the officer in charge with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to an officer or bureau of the executive departments any papers on file in his office relating to any matter pending before such office or bureau, taking proper receipt therefor.

Those are the rules of the House. The law provides in title II, United States Code, section 147,⁽¹⁹⁾ as follows:

House Rules and Manual §932 (1979).

18. Though the language remains unchanged, this rule has been renumbered; see Rule XXXVII, *House Rules and Manual* §933 (1979).
19. Section 147 of title II of the United States Code was repealed on Oct. 25, 1951. The present procedure, as gov-

The Clerk of the House of Representatives is authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books, and manuscripts. . . .

The majority leader of the House, with the minority leader and myself, held a conference about these papers and it was decided that they would remain in the committee until today, and be transferred as the rules and law provide unless the House should take further action. So far as the preservation of the papers is concerned, they are in the custody of the Clerk of the House. The Clerk of the House is a sworn officer and he knows his duty.

Transfer of Records Between Select and Standing Committees

§ 19.3 The House adopted a resolution providing that the records and files of a select committee be held intact and turned over to a newly created standing committee with similar jurisdiction.

On Jan. 4, 1945,⁽²⁰⁾ Mr. John E. Rankin, of Mississippi, sought

erned by 44 USC §§2104, 2114, directs the Clerk to forward committee records to the General Services Administration for preservation, unless otherwise ordered by the House. See § 19.4. *infra*, for an instance in which the House authorized making available for use certain records at the National Archives.

20. 91 CONG. REC. 35, 79th Cong. 1st Sess.

unanimous consent for the immediate consideration of the following resolution (H. Res. 46):

Resolved, That the records and files of the former Committee on Un-American Activities⁽¹⁾ be held intact in the rooms formerly occupied by the said Committee on Un-American Activities and turned over to the newly created Committee on Un-American Activities.

Reserving the right to object, Mr. John J. Cochran, of Missouri, was concerned with whether the proposed resolution might be violative of the duties imposed by statute⁽²⁾ on the Clerk of the House. The following exchange ensued:

MR. COCHRAN: . . . [W]hile I have absolutely no objection, I want to ask the gentleman from Mississippi [Mr. Rankin] whether he has carefully read the statutes, not the Rules of the House, to see if this is in any way in conflict with the statute.

MR. RANKIN: It is not in conflict with the statute.

MR. COCHRAN: Is the gentleman sure of that?

1. This was the Special Committee on Un-American Activities, also known by the name of its chairman as the Dies committee.
2. Under the Printing and Binding Act (Act of Jan. 12, 1895, ch. 23, 28 Stat. 601) records and files of former committees were sent by the Clerk to the Library of Congress. Under 44 USC §2114, the Clerk would now transfer such material to the General Services Administration in the absence of any other directive from the House.

MR. RANKIN: Well, I have not read all the statutes of the United States, but I have read the statute and the rules concerning this proposition. This is within the power of the Congress, and it is the duty of the Congress. As far as that is concerned, it is a privileged resolution.

MR. COCHRAN: The statute provides that the Clerk of the House shall place in the Library of Congress certain files.

MR. RANKIN: I understand; but that is in the absence of any action by the House of Representatives. If this action is taken it will amount to a mandate that will be carried out.

MR. COCHRAN: Mr. Speaker, I withdraw my reservation of objection.

There being no objection, the resolution was considered and agreed to, shortly thereafter.

Making Available Certain Records at the National Archives

§ 19.4 In the 83d Congress, the House agreed to a resolution authorizing the Clerk of the House to permit the Administrator of General Services to make available for use certain records of the House in the National Archives.

On June 16, 1953,⁽³⁾ by direction of the Committee on Rules, Mr. Karl M. LeCompte, of Iowa, offered the following privileged

3. 99 CONG. REC. 6641, 83d Cong. 1st Sess.

resolution (H. Res. 288), and asked for its immediate consideration:

Resolved, That the Clerk of the House is authorized to permit the Administrator of General Services to make available for use—

(1) any records of the House of Representatives, transferred to the National Archives, which have been in existence for not less than 50 years, except when he determines that the use of such records would be detrimental to the public interest; and

(2) any records of the House of Representatives, transferred to the National Archives, which have previously been made public.

Sec. 2. Such permission may continue so long as it is consistent with the rights and privileges of the House of Representatives.

Immediately thereafter, the resolution was agreed to.

Parliamentarian's Note: This resolution, though never enacted into permanent law, has served as guidance to the Clerk in subsequent Congresses to permit access to noncurrent papers in the Archives. Papers not 50 years old can only be retrieved by action of committees for committee use or by order of the House.

Transfer of Evidence to Department of Justice

§ 19.5 The House agreed to a resolution authorizing and directing the Committee on

Un-American Activities, upon the request of the Department of Justice, to transfer to the latter's custody certain strips of film and metal containers to be presented as evidence in a criminal proceeding. The material had been obtained by the committee in the course of an investigation.

On May 10, 1949,⁽⁴⁾ Mr. John S. Wood, of Georgia, called up and asked unanimous consent for the immediate consideration of the following resolution (H. Res. 209):

Resolved, That the Committee on Un-American Activities is authorized and directed, upon requisition of the Department of Justice, to transfer to its custody for presentation as evidence in the Government case, *United States v. Alger Hiss*, five strips of 35-millimeter film and three metal containers uncovered by said committee during the Eightieth Congress, such film commonly known as the "pumpkin film."

Shortly thereafter, the resolution was agreed to.

4. 95 CONG. REC. 5978, 81st Cong. 1st Sess.

§ 20. Disclosure of Unreported Committee Proceedings

Disclosure in Debate

§ 20.1 It has been held not in order in debate to refer to the proceedings of a committee [or of its subcommittee(s)] unless the committee has formally reported its proceedings to the House.

On June 24, 1958,⁽⁵⁾ under previous order of the House, Speaker Sam Rayburn, of Texas, recognized Mr. Thomas B. Curtis, of Missouri, for 60 minutes. Mr. Curtis discussed his reservations about certain hearings of the Subcommittee on Legislative Oversight of the Committee on Interstate and Foreign Commerce. The gravamen of his complaint was that the Subcommittee on Legislative Oversight, in public session, had raised the issues of (1) alleged preferential treatment to a named individual by two government agencies, and (2) alleged improper intervention by a named assistant to the President only to then take public testimony about the hospitality that was extended and accepted between the two individ-

5. 104 CONG. REC. 12119-21, 85th Cong. 2d Sess.